

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12401-12450

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 3, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12401. Adulteration and misbranding of certified cream color. U. S. v. 20 Pounds of Certified Cream Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17429. I. S. No. 1470-v. S. No. E-4327.)

On March 26, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a United States District Court, a libel praying the seizure and condemnation of 20 pounds of alleged certified cream color, at Washington, D. C., alleging that the article had been shipped by the Favorite Mfg. Co., from Philadelphia, Pa., on or about May 18, 1922, and transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Certified Cream Color Prepared By Favorite Manufacturing Co * * * Philadelphia Pa."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, salt, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for certified cream color, which the said article purported to be.

Misbranding was alleged for the reason that the statements regarding the said article and the ingredients and substances contained therein, borne on the labels attached to the cans containing the article, to wit, "Certified No. 3759 Certified Cream Color Prepared By Favorite Manufacturing Co.," were false and misleading and deceived and misled the purchaser in that the said statements represented that the article consisted of certified cream color, whereas, in truth and in fact, it contained added salt. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12402. Adulteration of canned black raspberries. U. S. v. 200 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond, to be salvaged. (F. & D. No. 16896. I. S. No. 3780-v. S. No. C-3827.)

On October 27, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 200 cases of black raspberries remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers & Merchants Bank, from Hartford, Mich., August 25, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Simpson Acres * * * Fancy Black Raspberries * * * Simpson Acres * * * Keeler—Michigan P. O. Hartford—Michigan."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 28, 1924, Simpson Acres, Hartford, Mich., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12403. Adulteration of tomato catsup. U. S. v. 19½ Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18712. I. S. No. 16129-v. S. No. E-4854.)

On May 2, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19½ cases of tomato catsup remaining in the original unbroken packages at Reading, Pa., consigned by the Thomas Page Canning Co., Albion, N. Y., alleging that the article had been shipped from Albion, N. Y., on or about March 11, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Royal Kitchen Brand * * * Tomato Catsup * * * Packed By Thomas Page Canning Corporation Albion, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12404. Misbranding of butter. U. S. v. North American Provision Co., a Corporation. Tried to the court without a jury. Judgment for the Government. Fine, \$100 and costs. (F. & D. No. 18315. I. S. Nos. 6967-v, 6968-v.)

On April 29, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North American Provision Co., a corporation, having a branch operating under the name of Morris & Co., at Oklahoma City, Okla., alleging shipment by said company in violation of the food and drugs act as amended, on or about August 22, 1923, from the State of Oklahoma into the State of Texas, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Morris' Supreme Fancy Creamery Butter Morris & Company, U. S. A. * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 19 cartons from one shipment and 14 cartons from another shipment showed a net weight of 14.8 ounces and 15.5 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that